

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NORMAN BAILEY, THOMAS GALLIGHER,
KPFF INVESTMENTS, INC., AND KEN
PETERS

Plaintiffs,

- against -

BASF METALS LIMITED, GOLDMAN
SACHS INTERNATIONAL, HSBC BANK
USA, N.A., STANDARD BANK PLC, AND
LONDON PLATINUM AND PALLADIUM
FIXING COMPANY LTD.

Defendants.

Case No. 15-CV-1712

Judge Gregory H. Woods

**DECLARATION OF DANIEL L. BROCKETT IN SUPPORT OF QUINN EMANUEL
URQUHART & SULLIVAN, LLP'S MOTION TO WITHDRAW AS COUNSEL**

I, Daniel L. Brockett, declare as follows:

1. I am a partner at the law firm Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn Emanuel”), attorneys for Norman Bailey, Thomas Galligher, KPFF Investments, Inc., and Ken Peters (collectively, the “Plaintiffs”) in the above-captioned action (the “Action”). I am also a member of the bar of the State of New York and a member of the bar of this Court. Except as otherwise indicated, I have personal knowledge of the facts set forth herein.

2. Quinn Emanuel was retained as counsel for the Plaintiffs in the Action in March 2015 along with Berger & Montague, P.C., who have represented the Plaintiffs since the Action commenced on March 9, 2015.

3. The Plaintiffs filed their complaint in this Action on March 9, 2015. Quinn Emanuel first made an appearance as counsel to the Plaintiffs at the initial pretrial conference held on March 9, 2015.

4. Pursuant to the order of this Court dated March 9, 2015, the Plaintiffs are due to file a motion and proposed order to address initial case management issues, including the appointment of interim counsel pursuant to Federal Rule of Civil Procedure 23(g)(3), by March 19, 2015. The defendants are due to file any motion to stay discovery pending any motion to dismiss on March 19, 2015. The Plaintiffs’ opposition to the defendants motion is due ten days after the date of service of the defendant’s motion and any reply is due five days after the date of service of the Plaintiffs’ opposition.

5. Quinn Emanuel seeks an order of this Court permitting it to withdraw as counsel for the Plaintiffs pursuant to Local Civil Rule 1.4 because (a) withdrawal would not have an adverse effect on the Plaintiffs’ interests, and (b) a potential conflict of interest has arisen and, while Quinn Emanuel does not believe there is an actual conflict, for the avoidance of doubt and

in the best interest of the Plaintiffs who are otherwise ably represented, Quinn Emanuel has elected to withdraw.


6. The withdrawal of Quinn Emanuel as counsel in this Action will not delay this Action and will not have any adverse effect on the interests of the Plaintiffs because (a) the Plaintiffs will continue to be ably represented in this Action by the law firm Berger & Montague, P.C, (b) the Action is at a very early stage, and (c) Quinn Emanuel's first appearance for the Plaintiffs was only days ago.

7. A copy of this motion is being served today by email on the Plaintiffs and on counsel for the defendants by ECF.

8. Quinn Emanuel is not asserting a retaining or charging lien against the Plaintiffs.

9. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 13, 2015, in New York, New York.



Daniel L. Brockett